

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

NEW YORK STATE RIFLE AND PISTOL)
ASSOCIATION, INC., *et al.*,)
v.)
Plaintiffs,) Civil Action No.
STEVEN NIGRELLI, *et al.*,) 1:18-cv-00134-BKS-ATB
Defendants.)

**MOTION FOR LEAVE TO FILE REPLY TO DEFENDANTS'
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS'
APPLICATION FOR ATTORNEYS' FEES**

Under Local Rule 7.1(a)(2), Plaintiffs Brandon Koch, Robert Nash, and the New York State Rifle and Pistol Association, Inc., respectfully request permission to file the attached Reply to Defendants' Memorandum of Law in Opposition to Plaintiffs' Application for Attorneys' Fees.

Plaintiffs' Reply is warranted to address Defendants' incorrect legal arguments about the appropriate hourly rate to apply to an award of attorney's fees. (*See* ECF No. 70 at 15). It is further warranted by the need to respond to Defendants' unsubstantiated and conclusory objections to Plaintiffs' good-faith billing records. (*Id.* at 4 (accusing Plaintiffs of "excessive" billing, "duplicative and unwarranted work at improperly inflated rates," "overbilling," and "overstaffing"))). Local Rule 54.1(a) contemplates a plaintiff's reply following objections to a bill of costs. Plaintiffs' attorney-fee application is analogous and a reply should be allowed here. The Court's and parties' shared "interest in fully briefing these issues" justifies granting Plaintiffs' motion. *See Newspaper Guild/CWA of Albany v. Hearst Corp.*, No. 1:09-CV-764 GLS\DRH, 2011 WL 541821, at *1 n. 1 (N.D.N.Y. Feb. 8, 2011). Finally, Defendants will not be prejudiced by the Court's consideration of Plaintiffs' Reply, which merely responds to Defendants' arguments.

Accordingly, Plaintiffs respectfully request that the Court grant this motion and accept Plaintiffs' Reply brief, attached to this motion, as filed.

/s/ John Parker Sweeney

John Parker Sweeney
Bradley Arant Boult Cummings LLP
1615 L Street N.W., Suite 1350
Washington, D.C. 20036
Phone: (202) 393-7150
jsweeney@bradley.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby that on March 23, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that service will be accomplished by the CM/ECF system on all parties or their counsel. I further certify that a copy of the foregoing was served via email to the following:

Kelly L. Munkwitz
Michael G. McCartin
OFFICE OF NEW YORK STATE
ATTORNEY GENERAL – ALBANY
The Capitol
Albany, NY 12224
Telephone: (518) 776-2626
Kelly.munkwitz@ag.ny.gov
Michael.mccartin@ag.ny.gov

Counsel for Defendants

Dated: March 23, 2023

/s/ John Parker Sweeney
John Parker Sweeney

Counsel for Plaintiffs